

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2845

Introduced by Assembly Member Williams

February 19, 2016

An act to amend Section ~~32282~~ 234.1 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2845, as amended, Williams. School ~~safety plans~~: *safety: Safe Place to Learn Act.*

Existing law establishes the system of public elementary and secondary schools in this state, and provides for the establishment of local educational agencies to operate these schools and provide instruction to pupils. Existing law states the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. Existing law, the Safe Place to Learn Act, requires the State Department of Education, as part of its regular monitoring and review of a local educational agency, to assess whether the local educational agency has, among other things, adopted a policy that prohibits discrimination, harassment, intimidation, and bullying, as specified, and has publicized that policy to pupils, parents, employees, agents of the governing board, and the general public.

Existing law also requires the State Department of Education to assess whether the local educational agency has provided to certificated schoolsite employees who serve pupils in any of grades 7 to 12,

inclusive, information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning pupils, as specified.

This bill would express legislative findings and declarations relating to pupils who are subject to verbal, physical, and online harassment. The bill would add the support of Arab, Middle Eastern, Muslim, Sikh, and South Asian pupils or the support of other pupils who may face bias or bullying to the matters the State Department of Education is required to assess with respect to local educational agencies, as referenced above.

~~Existing law makes each school district and county office of education responsible for the overall development of comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. The plans are required to include an assessment of the current status of school crime committed on each campus and at school-related functions, and identification of appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety.~~

~~This bill would make nonsubstantive changes to the provisions identifying appropriate strategies and programs.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. (a) The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(1) All pupils deserve and need safe and supportive school*
- 4 *environments in which to learn.*
- 5 *(2) Pupils who are Muslim, Sikh, or of South Asian descent,*
- 6 *often face verbal, physical, or online harassment, all of which have*
- 7 *significant effects on their academic achievement and mental*
- 8 *health.*
- 9 *(3) Recent reports indicate that more than half of Muslim and*
- 10 *Sikh pupils in California report that they have faced verbal threats*
- 11 *or insults, cyberbullying, or physical assaults.*
- 12 *(4) The federal government has recognized the harm that is*
- 13 *caused by such bullying, and has called upon Muslim parents to*
- 14 *contact the United States Department of Justice or the United*

1 *States Department of Education if their children are bullied at*
2 *school. The White House has initiated the Asian American and*
3 *Pacific Islander Bullying Prevention Task Force in response to*
4 *concerns about the bullying of Muslim, Sikh, and Asian American*
5 *pupils.*

6 *(5) Multiple studies demonstrate that pupils who face bullying*
7 *suffer academically. Bullying is also linked to negative outcomes,*
8 *including impacts on mental health, substance use, and suicide.*

9 *(6) Research demonstrates that Muslim, Sikh, and other pupils*
10 *who face hate-based bias and bullying in school do not report*
11 *these incidents to school staff, primarily because they believe that*
12 *school staff are not trained to address these issues.*

13 *(7) Creating supportive learning environments improves pupil*
14 *performance.*

15 *(8) The United States Department of Education provides*
16 *numerous resources for schools to support pupils who are facing*
17 *bullying due to their religion, race, or national origin. These*
18 *resources were highlighted in an open letter dated December 31,*
19 *2015, and sent by the United States Secretary of Education to*
20 *education administrators throughout the nation.*

21 *(b) The Legislature therefore encourages school districts, county*
22 *offices of education, and charter schools to provide information*
23 *on existing schoolsite and community resources to educate*
24 *teachers, administrators, and other school staff on the support of*
25 *Muslim, Sikh, and other pupils who may face anti-Muslim bias*
26 *and bullying, as required by subdivision (d) of Section 234.1 of*
27 *the Education Code.*

28 *SEC. 2. Section 234.1 of the Education Code is amended to*
29 *read:*

30 *234.1. The department, pursuant to subdivision (b) of Section*
31 *64001, shall monitor adherence to the requirements of Chapter 5.3*
32 *(commencing with Section 4900) of Division 1 of Title 5 of the*
33 *California Code of Regulations and this chapter as part of its*
34 *regular monitoring and review of local educational agencies,*
35 *commonly known as the Categorical Program Monitoring process.*
36 *The department shall assess whether local educational agencies*
37 *have done all of the following:*

38 *(a) Adopted a policy that prohibits discrimination, harassment,*
39 *intimidation, and bullying based on the actual or perceived*
40 *characteristics set forth in Section 422.55 of the Penal Code and*

1 Section 220 of this code, and disability, gender, gender identity,
2 gender expression, nationality, race or ethnicity, religion, sexual
3 orientation, or association with a person or group with one or more
4 of these actual or perceived characteristics. The policy shall include
5 a statement that the policy applies to all acts related to school
6 activity or school attendance occurring within a school under the
7 jurisdiction of the superintendent of the school district.

8 (b) Adopted a process for receiving and investigating complaints
9 of discrimination, harassment, intimidation, and bullying based
10 on any of the actual or perceived characteristics set forth in Section
11 422.55 of the Penal Code and Section 220 of this code, and
12 disability, gender, gender identity, gender expression, nationality,
13 race or ethnicity, religion, sexual orientation, or association with
14 a person or group with one or more of these actual or perceived
15 characteristics. The complaint process shall include, but not be
16 limited to, all of the following:

17 (1) A requirement that, if school personnel witness an act of
18 discrimination, harassment, intimidation, or bullying, they shall
19 take immediate steps to intervene when safe to do so.

20 (2) A timeline to investigate and resolve complaints of
21 discrimination, harassment, intimidation, or bullying that shall be
22 followed by all schools under the jurisdiction of the school district.

23 (3) An appeal process afforded to the complainant should he or
24 she disagree with the resolution of a complaint filed pursuant to
25 this section.

26 (4) All forms developed pursuant to this process shall be
27 translated pursuant to Section 48985.

28 (c) Publicized antidiscrimination, antiharassment,
29 anti-intimidation, and antibullying policies adopted pursuant to
30 subdivision (a), including information about the manner in which
31 to file a complaint, to pupils, parents, employees, agents of the
32 governing board, and the general public. The information shall be
33 translated pursuant to Section 48985.

34 (d) (1) Provided, incident to the publicizing described in
35 subdivision (c), to certificated schoolsite employees who serve
36 pupils in any of grades 7 to 12, inclusive, who are employed by
37 the local educational agency, information on existing schoolsite
38 and community resources related to the support of lesbian, gay,
39 bisexual, transgender, and questioning (LGBTQ) pupils. ~~Schoolsite~~
40 *pupils, or related to the support of Arab, Middle Eastern, Muslim,*

1 *Sikh, and South Asian pupils or the support of other pupils who*
2 *may face bias or bullying.*

3 (2) *As used in this subdivision, both of the following apply:*

4 (A) *Schoolsite* resources may include, but are not limited to,
5 peer support or affinity clubs and organizations, safe spaces for
6 LGBTQ *or other at-risk* pupils, counseling services, staff who
7 have received antibias or other training aimed at supporting these
8 pupils or who serve as designated support to these pupils, health
9 and other curriculum materials that are inclusive of, and relevant
10 to, these pupils, online training developed pursuant to Section
11 32283.5, and other policies adopted pursuant to this article,
12 including related complaint procedures. ~~Community~~

13 (B) *Community* resources may include, but are not limited to,
14 community-based organizations that provide support to LGBTQ
15 *or other at-risk* pupils and their families, and physical and mental
16 health providers with experience or training in treating or
17 supporting these pupils.

18 (e) Posted the policy established pursuant to subdivision (a) in
19 all schools and offices, including staff lounges and pupil
20 government meeting rooms.

21 (f) Maintained documentation of complaints and their resolution
22 for a minimum of one review cycle.

23 (g) Ensured that complainants are protected from retaliation
24 and that the identity of a complainant alleging discrimination,
25 harassment, intimidation, or bullying remains confidential, as
26 appropriate.

27 (h) Identified a responsible local educational agency officer for
28 ensuring school district or county office of education compliance
29 with the requirements of Chapter 5.3 (commencing with Section
30 4900) of Division 1 of Title 5 of the California Code of Regulations
31 and this chapter.

32 ~~SECTION 1. Section 32282 of the Education Code is amended~~
33 ~~to read:~~

34 ~~32282. (a) The comprehensive school safety plan shall include,~~
35 ~~but not be limited to, both of the following:~~

36 ~~(1) Assessing the current status of school crime committed on~~
37 ~~school campuses and at school-related functions.~~

38 ~~(2) Identifying appropriate strategies and programs that will~~
39 ~~provide or maintain a high level of school safety and address the~~
40 ~~school's procedures for complying with existing laws related to~~

1 school safety, which shall include the development of all of the
2 following:

3 (A) ~~Child abuse reporting procedures consistent with Article~~
4 ~~2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of~~
5 ~~Part 4 of the Penal Code.~~

6 (B) ~~Disaster procedures, routine and emergency, including~~
7 ~~adaptations for pupils with disabilities in accordance with the~~
8 ~~federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.~~
9 ~~12101 et seq.). The disaster procedures shall also include, but not~~
10 ~~be limited to, both of the following:~~

11 (i) ~~Establishing an earthquake emergency procedure system in~~
12 ~~every public school building having an occupant capacity of 50~~
13 ~~or more pupils or more than one classroom. A school district or~~
14 ~~county office of education may work with the Office of Emergency~~
15 ~~Services and the Alfred E. Alquist Seismic Safety Commission to~~
16 ~~develop and establish the earthquake emergency procedure system.~~
17 ~~The system shall include, but not be limited to, all of the following:~~

18 (I) ~~A school building disaster plan, ready for implementation~~
19 ~~at any time, for maintaining the safety and care of pupils and staff.~~

20 (II) ~~A drop procedure whereby each pupil and staff member~~
21 ~~takes cover under a table or desk, dropping to his or her knees,~~
22 ~~with the head protected by the arms, and the back to the windows.~~
23 ~~A drop procedure practice shall be held at least once a school~~
24 ~~quarter in elementary schools and at least once a semester in~~
25 ~~secondary schools.~~

26 (III) ~~Protective measures to be taken before, during, and~~
27 ~~following an earthquake.~~

28 (IV) ~~A program to ensure that pupils and both the certificated~~
29 ~~and classified staff are aware of, and properly trained in, the~~
30 ~~earthquake emergency procedure system.~~

31 (ii) ~~Establishing a procedure to allow a public agency, including~~
32 ~~the American Red Cross, to use school buildings, grounds, and~~
33 ~~equipment for mass care and welfare shelters during disasters or~~
34 ~~other emergencies affecting the public health and welfare. The~~
35 ~~school district or county office of education shall cooperate with~~
36 ~~the public agency in furnishing and maintaining the services as~~
37 ~~the school district or county office of education may deem~~
38 ~~necessary to meet the needs of the community.~~

39 (C) ~~Policies pursuant to subdivision (d) of Section 48915 for~~
40 ~~pupils who committed an act listed in subdivision (e) of Section~~

1 48915 and other school-designated serious acts that would lead to
2 suspension, expulsion, or mandatory expulsion recommendations
3 pursuant to Article 1 (commencing with Section 48900) of Chapter
4 6 of Part 27 of Division 4 of Title 2.

5 (D) Procedures to notify teachers of dangerous pupils pursuant
6 to Section 49079.

7 (E) A discrimination and harassment policy consistent with the
8 prohibition against discrimination contained in Chapter 2
9 (commencing with Section 200) of Part 1.

10 (F) The provisions of any schoolwide dress code, pursuant to
11 Section 35183, that prohibits pupils from wearing “gang-related
12 apparel,” if the school has adopted that type of a dress code. For
13 those purposes, the comprehensive school safety plan shall define
14 “gang-related apparel.” The definition shall be limited to apparel
15 that, if worn or displayed on a school campus, reasonably could
16 be determined to threaten the health and safety of the school
17 environment. A schoolwide dress code established pursuant to this
18 section and Section 35183 shall be enforced on the school campus
19 and at any school-sponsored activity by the principal of the school
20 or the person designated by the principal. For purposes of this
21 paragraph, “gang-related apparel” shall not be considered a
22 protected form of speech pursuant to Section 48950.

23 (G) Procedures for safe ingress and egress of pupils, parents,
24 and school employees to and from school.

25 (H) A safe and orderly environment conducive to learning at
26 the school.

27 (I) The rules and procedures on school discipline adopted
28 pursuant to Sections 35291 and 35291.5.

29 (b) It is the intent of the Legislature that schools develop
30 comprehensive school safety plans using existing resources,
31 including the materials and services of the partnership, pursuant
32 to this chapter. It is also the intent of the Legislature that schools
33 use the handbook developed and distributed by the School/Law
34 Enforcement Partnership Program entitled “Safe Schools: A
35 Planning Guide for Action” in conjunction with developing their
36 plan for school safety.

37 (c) Each schoolsite council or school safety planning committee,
38 in developing and updating a comprehensive school safety plan,
39 shall, where practical, consult, cooperate, and coordinate with
40 other schoolsite councils or school safety planning committees.

1 ~~(d) The comprehensive school safety plan may be evaluated~~
2 ~~and amended, as needed, by the school safety planning committee,~~
3 ~~but shall be evaluated at least once a year, to ensure that the~~
4 ~~comprehensive school safety plan is properly implemented. An~~
5 ~~updated file of all safety-related plans and materials shall be readily~~
6 ~~available for inspection by the public.~~

7 ~~(e) As comprehensive school safety plans are reviewed and~~
8 ~~updated, the Legislature encourages all plans, to the extent that~~
9 ~~resources are available, to include policies and procedures aimed~~
10 ~~at the prevention of bullying.~~

11 ~~(f) The comprehensive school safety plan, as written and updated~~
12 ~~by the schoolsite council or school safety planning committee,~~
13 ~~shall be submitted for approval pursuant to subdivision (a) of~~
14 ~~Section 32288.~~